

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shai Vaingast and Ehud Cohen
U.S. Serial No. : 10/538,521
Filed : as §371 national stage of PCT International Application No. PCT/IL2003/001062, filed December 11, 2003
For : EFFICIENT DYNAMIC STIMULATION IN AN IMPLANTED DEVICE

1185 Avenue of the Americas
New York, New York 10036
January 9, 2006

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION IN RESPONSE TO NOVEMBER 7, 2005 NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) AND TRANSMITTAL OF VERIFIED STATEMENTS (DECLARATION) CLAIMING SMALL ENTITY STATUS

This Communication is submitted in response to the November 7, 2005 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) issued by the United States Patent and Trademark Office in connection with the above-identified application. The November 7, 2005 Notification, a copy of which is attached hereto as **Exhibit A**, provides two (2) months for filing a response. Therefore, a response to the November 7, 2005 Notification is due January 7, 2006. However, since January 7, 2006 was a Saturday, a response filed on the next business day, i.e. Monday, January 9, 2006, is to be considered timely filed. Accordingly, this Communication is being timely filed.

The November 7, 2005 Notification indicates that the oath or declaration is unsigned. In response, applicants submit

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hereto as **Exhibit B** a signed Declaration for Patent Application pursuant to 37 C.F.R. §1.497(a). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

In addition, applicants attach hereto as **Exhibit C** a Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(c) in connection with the above-identified application signed by authorized official, Ehud Cohen, on behalf of Bio-Control Medical (B.C.M) Ltd.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone them at the number provided below.

No fee, other than the \$65.00 declaration surcharge, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

01/17/2006 GFREY1 00000147 10538521

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP PCT, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

John P. White
John P. White
Reg. No. 28,678

Date
1/9/06

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05/18/74605

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JPW

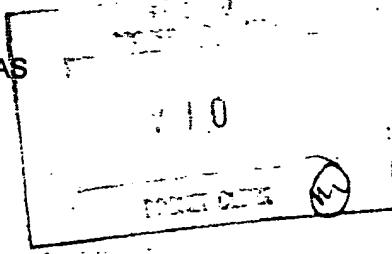


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,521	Shai Vaingast	0518/74605/JPW/DYK
INTERNATIONAL APPLICATION NO.		
PCT/IL03/01062		
I.A. FILING DATE	PRIORITY DATE	
12/11/2003	12/12/2002	
CONFIRMATION NO. 3673		
371 FORMALITIES LETTER		
OC000000017408361		

Date Mailed: 11/07/2005



NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/10/2005
- Copy of the International Search Report filed on 06/10/2005
- Preliminary Amendments filed on 06/10/2005
- Information Disclosure Statements filed on 06/10/2005
- Oath or Declaration filed on 06/10/2005
- Small Entity Statement filed on 06/10/2005
- Request for Immediate Examination filed on 06/10/2005
- U.S. Basic National Fees filed on 06/10/2005
- Priority Documents filed on 06/10/2005

2mo - 1M106
 3mo - 217106
 4mo - 317106
 5mo - 417106
 6mo - 517106
 7mo - 617106
 (initials)

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

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 Exhibit A

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,521	PCT/IL03/01062	0518/74605/JPW/DYK

FORM PCT/DO/EO/905 (371 Formalities Notice)